REMARKS/ARGUMENTS

The rejections presented in the Office Action dated March 21, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the §112, second paragraph, rejection of Claim 13, the claim has been amended to provide antecedent basis for the term "sensor array". Therefore, the rejection is believed to be overcome, and Applicant accordingly requests that the rejection be withdrawn.

Applicant respectfully traverses each of the prior art rejections (§§102(b) and 103(a)) as each is based at least in part upon the teachings of U.S. Patent No. 5,926,218 to Smith (hereinafter "Smith") and Smith does not teach or suggest each of the asserted claim limitations. For example, Smith does not teach a controller configured to select the subsystem with which an image is to be taken. The cited portion of Smith indicates that microprocessor 52 (asserted as corresponding to the claimed controller) synchronizes the high resolution and low resolution image clocks. Further at lines 61-62 of column 3, Smith indicates that both the low and high resolution images are captured at the same time. Thus, both asserted subsystems, the low and high resolution optical sections 16 and 20, capture an image for each image capture event. As both optical sections capture an image, the microprocessor does not select a subsystem to capture an image. Without a presentation of correspondence to each of the claimed limitations, the prior art rejections are improper.

With particular respect to the §102(b) rejection, Applicant notes that in order to anticipate a claim, the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their

limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. §102. Applicant respectfully submits that the Examiner has not shown that Smith teaches every element of independent Claim 1 in the requisite detail and therefore fails to anticipate Claims 1, 7 and 10.

With respect to the §103(a) rejections, Applicant traverses because the asserted modifications of Smith do not overcome the above-discussed deficiencies of Smith's teachings. As discussed above, Smith does not teach a controller configured to select the subsystem with which an image is to be taken. Rather, Smith teaches that both asserted subsystems capture an image at the same time. None of the asserted modifications of Smith, the takings of Official Notice or any teachings in Denyer, have been shown to overcome this absence. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejections are also improper, and Applicant accordingly requests that they be withdrawn.

New Claims 20-24 have been added. Dependent Claims 20 and 21 largely correspond to the subject matter of dependent Claims 11 and 14, respectively; therefore, these claims do not introduce new matter. The subject matter of Claim 22 largely corresponds to the subject matter of Claim 1, the subject matter of Claim 23 largely corresponds to the subject matter of Claim 14, and the subject matter of Claim 24 is supported by the Specification, for example, at paragraph [0048]. Therefore, these claims also do not introduce new matter. Each of the new claims is believed to be patentable over the asserted references for the reasons discussed above.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.075PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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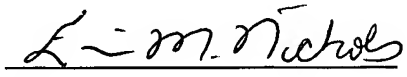
By: 

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